

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

NICHOLAS SCANDALIOS,

Plaintiff,

v.

Case No. 3:22-cv-400-MMH-LLL

TCC WIRELESS, LLC,

Defendant.

ORDER AND STIPULATED FINAL JUDGMENT

THIS CAUSE is before the Court on the Report and Recommendation Approving Settlement Agreement (Dkt. No. 15; Report) entered by the Honorable Laura Lothman Lambert, United States Magistrate Judge, on May 18, 2023. In the Report, Judge Lambert recommends that the Joint Motion to Approve Settlement and Dismiss Case With Prejudice (Dkt. No. 14; Motion) be granted to the extent that the Court enter an Order and Stipulated Final Judgment approving the parties' settlement agreement and that the case be dismissed with prejudice. See Report at 13. No objections to the Report have been filed, and the time for doing so has passed.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 13, n.6.


Upon review of the record, including the Report, Motion, and Settlement and General Release Agreement (Dkt. No. 14-1), the undersigned concludes that the settlement represents a “reasonable and fair” resolution of Plaintiff’s claims. Accordingly, the Court will accept and adopt the Report.

In light of the foregoing, it is hereby

ORDERED:

1. The Report and Recommendation Approving Settlement Agreement (Dkt. No. 15) is **ADOPTED** as the opinion of the Court.
2. The Joint Motion to Approve Settlement and Dismiss Case With Prejudice (Dkt. No. 14) is **GRANTED** to the extent that the Court enters this Order and Stipulated Final Judgment.
3. The Settlement and General Release Agreement (Dkt. No. 14-1) is **APPROVED**.
4. This case is **DISMISSED with prejudice**.
5. The Clerk of the Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida this 6th day of June, 2023.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record